

KPS CONSULTING  
“Building an Access Bridge in Technology and Telecommunications”

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September 30, 2003

Ms. Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Re: CC Dkt No. 98-67  
CSD Petition on Legal Interpreting

Dear Ms. Dortch:

Communication Service for the Deaf (CSD), through its undersigned counsel, hereby submits reply comments in the above referenced proceeding, concerning CSD’s request for a VRS waiver on the provision of legal interpreting.

CSD notes that, to date, no parties have opposed CSD’s petition for the requested waiver. Both Telecommunications for the Deaf, Inc. (TDI) and Hands On Video Relay Services, Inc. (HOVRS) have filed comments in support of the petition.

Both TDI and HOVRS have noted that there are some calls that involve legal matters – such as calls between a client and an attorney,<sup>1</sup> calls to a court clerk regarding trial appearances, or calls to a police department concerning a ticket<sup>2</sup> – that are appropriate for handling through VRS. CSD agrees, and wishes to make clear that its petition was not designed to exclude these and other calls that involve routine legal matters. Rather, CSD’s petition seeks to exclude calls that are typically covered by state interpreter statutes covering civil and criminal proceedings, including depositions, pre-trial and status conferences with judges, hearings, police interrogations, and other on-the-record proceedings that become part of a civil or criminal proceeding. Interpreter statutes governing these proceedings typically cover situations in which the legal rights of the deaf individual are at stake, and thus set forth specific guidelines to ensure that those legal rights are fully protected. The statutes are the culmination of years of efforts by the deaf community to ensure that interpreters who are fully qualified – and typically certified – are provided to deaf litigants, victims, and witnesses.

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<sup>1</sup> Comments of HOVRS at 1.

<sup>2</sup> Comments of TDI at 2.

As noted by HOVRS, legal interpreting requires “an additional level of skill, training, knowledge and duties for the sign language interpreter not normally present in the traditional interpreted VRS call.”<sup>3</sup> The handling of legal proceedings through VRS compromises the protections that qualified legal interpreting is intended to afford, to the extreme detriment of deaf consumers. Law enforcement agencies and courts should not be permitted to use VRS as a substitute for the live, credentialed interpreters that the states have already deemed critical to meeting the legal needs of their deaf populations.

CSD also agrees that as an officer of the court, a court interpreter is bound to notify the court of any event that may compromise the integrity of a legal proceeding – something which is not possible in the VRS scenario.<sup>4</sup> Moreover, as HOVRS points out, under the Federal Rules of Evidence, which have been adopted by many of the states, interpreters must take an oath, and often take the stand to affirm the veracity of their translation and their ability to interpret accurately. Additionally, interpreters must disclose potential conflicts of interest, including any prior personal or professional involvement with parties to the proceeding.<sup>5</sup> All of these measures were established to protect the sanctity of the legal proceeding – for the deaf individual and the other parties to the proceeding. Yet it would be difficult, if not impossible, for an interpreter to meet any of these obligations with respect to a VRS call.

CSD again urges the Commission to issue a limited waiver of its TRS mandatory minimum standards to the extent that these standards currently require the handling of legal interpreting calls involving judicial proceedings and law enforcement investigations. To do otherwise will jeopardize for deaf individuals the legal protections that they are entitled to as citizens of this country.

Sincerely,

Ben Soukup  
CEO

/s/  
By: Karen Peltz Strauss  
Counsel for CSD

cc: Thomas Chandler

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<sup>3</sup> Comments of HOVRS at 2.

<sup>4</sup> *Id.* at 2-3.

<sup>5</sup> *Id.* at 6.